

EXHIBIT C

UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

IN RE: BAIR HUGGER FORCED AIR WARMING
DEVICES PRODUCTS LIABILITY LITIGATION

MDL No. 2666

TRANSCRIPT OF ORAL ARGUMENT
HEARD ON DECEMBER 3, 2015
NEW ORLEANS, LOUISIANA

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United States District Court
Eastern District of Louisiana

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United States District Court
Northern District of California

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INDEX

	<u>Page</u>
Ben W. Gordon Jr., Esq.	4
David W. Hodges, Esq.	8
Frank E. Piscitelli Jr., Esq.	11
Anne Andrews, Esq.	13
Arthur M. Murray, Esq.	15
W. Wayne Drinkwater Jr., Esq.	16

PROCEEDINGS

(December 3, 2015)

JUDGE VANCE: This is MDL No. 2666, *In Re: Bair Hugger Forced Air Warming Devices Products Liability Litigation*.

First up is Mr. Gordon.

MR. GORDON: Good morning, Your Honors. May it please the Panel. I'm Ben Gordon from Levin Papantonio.

Real quick, before I make my very succinct argument, I would like to mention that last night Genevieve Zimmerman and I filed a pleading before this Panel to update the Panel on the numbers of cases filed around the country in federal districts. So what we have right now is 64 filed cases in 20 different districts, with 43 of those in the District of Minnesota.

JUDGE VANCE: To what do you attribute the recent surge in filings?

MR. GORDON: Well, this litigation, Your Honor, has been going on for a couple years in toto. Over the last several months, there has been more and more evidence, more and more research, and more and more indication and investigation by lawyers into the infectious nature of these Bair Hugger blankets. I think lawyers have been taking their time screening --

JUDGE VANCE: It seems like in an operating room

1 there are all kinds of things that can cause infection that
2 would seem to make these cases prone to a lot of individualized
3 issues. I'm trying to get my head around what your causation
4 theory is with the blanket. Can you tell me what that is.

5 **MR. GORDON:** There's no question that case-specific
6 causation is going to be where the war is waged in this case.
7 Much like a pharma case, these microbes, these infectious
8 agents are ubiquitous. Nosocomial infections, hospital-based
9 infections are very common, you're right.

10 We have seen a surge in the hip and knee implant
11 cases in particular -- we have handled many of these metallosis
12 cases -- with these patients who have not suffered the typical
13 failure of the orthopedic devices but have become infected very
14 quickly at the time of surgery. The literature strongly
15 suggests that it is because of one thing: forced air warming
16 blowing around the sterile field and getting into that
17 operative field.

18 **JUDGE PERRY:** There are two cases that are proceeding
19 ahead of the others, right, that actually have trial schedules
20 and everything?

21 **MR. GORDON:** Well, yes and no, Your Honor.

22 **JUDGE PERRY:** Then there are a bunch of cases in
23 Minnesota. Why couldn't they have those two cases go ahead --
24 it doesn't seem like they have gotten through their expert
25 discovery yet -- and let the Minnesota cases be handled however

1 Minnesota will handle them?

2 **MR. GORDON:** You are correct, Your Honor, but I think
3 that would be a big mistake. My colleague, David Hodges, who
4 is lead counsel in the *Walton* case in Houston, the *Johnson* case
5 in Kansas, will address further points on that. I can say very
6 succinctly the discovery in those cases is far from mature, and
7 it's because of some very important issues. It's been tough
8 sledding in those cases for reasons I can't fully brief the
9 Court on today. You can look at the ECF docket and tell some
10 of it. Mr. Atkinson may be prepared to talk about some of it.

11 It is integral to all of these cases, every
12 putative case that will be filed in this country, that the
13 discovery issues that are going on in *Walton*, in particular, be
14 aired in front of one judge and integrated together into the
15 MDL.

16 **JUDGE VANCE:** What was the triggering event for this?
17 Was it an FDA warning or a recall? What was the triggering
18 event?

19 **MR. GORDON:** No, Your Honor. Frankly, it was a
20 series of medical articles, in particular the McGovern study
21 about three years ago in the *Journal of Bone & Joint Surgery* in
22 the UK, that disclosed a 3.8 times increased risk of infections
23 in the forced air warming types of systems as opposed to other
24 types of ways -- there are many ways to achieve normothermia,
25 that is, to warm the patient. No question, that is something

1 that is standard of care. You don't have to blow a 1000-watt
2 blower into the surgical field. That's the problem with this
3 device in a nutshell.

4 **JUDGE VANCE:** Thank you.

5 **MR. GORDON:** If I could wrap up briefly, Your Honors.
6 The reason we support Minnesota, I think it's kind of, to
7 Judge Breyer's point, a no-brainer here. In fact, in the
8 recent papers of the new lawyer, Mr. Atkinson, they support
9 Minnesota. All the witnesses are there. The inventor of the
10 blanket is in Minnesota. We have fine jurists there. What
11 they disagree on is Judge Frank, I suppose because we asked for
12 him. So just in 30 seconds I want to tell you why we support
13 Judge Frank.

14 To Judge Proctor's comment earlier, he is the
15 right maestro for this case. He is the right maestro for this
16 case because he has had two other implantable medical device
17 MDLs. That is unique, relevant experience in this MDL. In
18 fact, in the *Stryker* case, which he is recently wrapping up,
19 issues in that case specifically overlap with the use of this
20 device. So he is going to have leg up on any other judge.

21 **JUDGE VANCE:** Are you going to have statute of
22 limitation issues in these cases?

23 **MR. GORDON:** We don't think so, Your Honor, because
24 at this point the defendant takes the position that the product
25 is not dangerous. They have not warned about any problem with

1 the product. We believe in most states, especially with
2 discovery rules, with only a couple of notable exceptions,
3 there will be no problem with statute of limitations in these.

4 JUDGE VANCE: Thank you.

5 MR. GORDON: Thank you, Your Honor.

6 JUDGE VANCE: Mr. Hodges.

7 MR. HODGES: Good morning. I'm David Hodges, and I
8 represent the plaintiffs in the first two filed cases.

9 One thing I want to make clear is that while 3M
10 makes it like these cases are almost ready for trial, in
11 reality they are not. In the *Walton* case, which was the very
12 first filed case, we are still doing --

13 JUDGE BREYER: What has Judge Vratil said about it?
14 Has Judge Vratil set a trial date in -- is it *Johnson* or
15 *Walton*?

16 MR. HODGES: That's the *Johnson* case.

17 JUDGE BREYER: Has she set a trial date?

18 MR. HODGES: Judge Vratil recently recused herself
19 from the case. So we now have a brand-new judge who entered
20 into the case just last week.

21 JUDGE HUVELLE: She recused? I'm sorry. I didn't
22 hear that.

23 MR. HODGES: Yes. She is no longer on the case.

24 JUDGE PERRY: So who is the judge?

25 MR. HODGES: Judge Lungstrum is now on the case.

1 JUDGE VANCE: I thought it was Lungstrum who recused.

2 MR. HODGES: Lungstrum is who we have now. That is
3 the new judge.

4 JUDGE BREYER: What happened with dates?

5 MR. HODGES: Well, we have a status conference set
6 for this Monday, and we are going to found that out. That was
7 set for trial in October of 2016. We will find out what
8 happens, but in those --

9 JUDGE BREYER: If you remain there, your position is
10 what with respect to trial dates?

11 MR. HODGES: We believe that trial dates in both
12 *Walton* and *Johnson* are going to be sliding because those cases
13 are well behind where they need to be to meet those trial
14 dates.

15 JUDGE VANCE: Why did you cancel depositions? Didn't
16 you have depositions scheduled that you canceled, of the
17 defendant's personnel? Did that happen or did that not happen?

18 MR. HODGES: There's been some depositions that have
19 been moved around. I'm not aware of anything that got canceled
20 that didn't get rescheduled.

21 JUDGE PERRY: So why are they behind schedule?

22 MR. HODGES: Well, there's activities and -- as my
23 colleague alluded to, I have to say very carefully what's been
24 going on because I don't want to violate Judge Hoyt's sealed
25 order in the Houston case.

1 Looking from our ECF filing, you will see that
2 there was a motion for sanctions filed. There have been some
3 extreme irregularities. Quite frankly, this is the reason why
4 3M wants these cases to go forward. We think it's why we are
5 at a distinct disadvantage.

6 **JUDGE VANCE:** They want it to go forward because
7 there have been irregularities? Have they been sanctioned?

8 **MR. HODGES:** Again, this is where I have to choose my
9 words very carefully, Your Honor, because it is under seal
10 right now.

11 **JUDGE VANCE:** Sanctioning people in secret? Usually
12 when somebody is sanctioned, there's a court order that says --

13 **MR. HODGES:** I would encourage this Panel that if you
14 are interested in finding out the details to confer with the
15 Southern District of Texas and Judge Hoyt to be allowed access
16 to this information.

17 **JUDGE HUVELLE:** Well, generally, if I may ask, you
18 are the plaintiffs' lawyer in both of these cases, and you now
19 want to sort of stop what's been going on and move to Minnesota
20 and start all over again without violating whatever
21 confidentiality orders are in place. Why is that?

22 **MR. HODGES:** Your Honor, those cases are behind. We
23 believe that we don't have the documents that we should have.
24 There's a very small fraction of documents that have been
25 produced in that case. Experts are still being designated. We

1 still have expert witness designations coming up. The parties
2 are still designating experts. There's been no expert witness
3 discovery. There's been no 30(b)(6) depositions. Those cases
4 need a lot of work. I think 3M will acknowledge, yes, some of
5 these deadlines are going to have to slide no matter what.
6 They want to separate these out from the MDL, and we strongly
7 oppose that. We think we can best --

8 **JUDGE HUVELLE:** Are you the only plaintiffs' counsel
9 in those two cases in Texas and Kansas?

10 **MR. HODGES:** There's co-counsel as well, Your Honor.

11 **JUDGE HUVELLE:** There is. If you were to be
12 transferred, would you not have to duplicate some discovery?

13 **MR. HODGES:** 3M has had us duplicate that discovery
14 between those two cases. There's two different protective
15 orders. Witnesses have been now deposed sometimes two, even
16 three times. Because of activities going on in both of the
17 cases, we anticipate that a bunch of those depositions are
18 going to have to be retaken anyway.

19 **JUDGE VANCE:** All right. Your time is up. Thank
20 you, sir.

21 **MR. HODGES:** Thank you, Your Honor.

22 **JUDGE VANCE:** Mr. Piscitelli.

23 **MR. PISCITELLI:** Frank Piscitelli on behalf of
24 plaintiff Michael Kent.

25 We support centralization but in the Northern

1 District of Ohio, Eastern Division. In our original papers we
2 advocated for Judge Gwin, who is an excellent choice in this
3 case, but he has also been advocated in the *Volkswagen* case.

4 **JUDGE BREYER:** Putting that aside, what's the reason
5 between Minnesota and Ohio?

6 **MR. PISCITELLI:** Other than we think we have an
7 excellent jurist to propose, Judge Polster, and that it is a
8 centralized location for the litigation. Obviously,
9 alternatively we do support Minnesota and Judge Frank. That is
10 where the witnesses are.

11 **JUDGE VANCE:** Why don't you consent to a § 1404(a)
12 transfer to Minnesota?

13 **MR. PISCITELLI:** Why don't I consent to it?

14 **JUDGE VANCE:** Yes.

15 **MR. PISCITELLI:** At this point we haven't thought
16 about that, but that's definitely an option.

17 **JUDGE VANCE:** Are you working with the plaintiffs'
18 lawyers there?

19 **MR. PISCITELLI:** Working with? I would say that we
20 have had discussions. We haven't shared any materials. I
21 filed a separate complaint in the Northern District of Ohio. I
22 wouldn't say that there's been any formal working relationship.
23 I have had discussions with Mr. Gordon and Ms. Zimmerman about
24 coordinating things in the future if this were to get
25 centralized, but other than that, no.

1 So the other reason, Your Honor, for the
2 Northern District of Ohio, Eastern Division, is it only has
3 three MDLs right now. Judge Polster has experience with MDLs.
4 He successfully concluded the *Gadolinium* case just recently. I
5 mention that it's a convenient location, easy access. The
6 courthouse is only about 10 or 15 minutes from the airport.
7 There are two hotels that are essentially connected to the
8 courthouse.

9 We also, as I mentioned, alternatively do
10 support Judge Frank for the reasons Mr. Gordon stated. Thank
11 you.

12 **JUDGE VANCE:** Thank you very much, sir.

13 Ms. Andrews.

14 **MS. ANDREWS:** Good morning, Your Honors. May it
15 please this Honorable Court.

16 The Central District of California, I know we
17 are going to be asked why. A very good and very important
18 reason: This case will go to trial.

19 We have advocated for a very prominent judge --

20 **JUDGE BREYER:** What if it goes to trial?

21 **MS. ANDREWS:** Pardon me, Your Honor?

22 **JUDGE BREYER:** If it goes to trial, it can be
23 transferred there, can it not, for trial purposes?

24 **MS. ANDREWS:** That's true, Your Honor.

25 **JUDGE BREYER:** Isn't that what would happen?

1 MS. ANDREWS: That's absolutely true.

2 JUDGE BREYER: I think the question really is not
3 where it's going to go to trial. The question is: For
4 pretrial matters, what makes sense in terms of efficiency?

5 MS. ANDREWS: There's no doubt that the epicenter of
6 this case -- and the feelings of even my colleagues Mr. Gordon,
7 Ms. Zimmerman, and others in the core plaintiffs' group believe
8 this case should be in Minneapolis.

9 However, if for some reason -- and the plan here
10 is to always listen to the wisdom of those that write about the
11 Court and write about MDLs that expanding the team of judges
12 who can get assigned cases is something that we are encouraged
13 to advocate for.

14 I am encouraging this Court to allow a new but
15 very experienced trial judge to have the opportunity to have
16 her very first MDL, Judge Beverly Reid O'Connell. She has
17 tremendous marks for her over 150 cases. All, of course, had
18 pretrial issues, many of which were complex. She gets some of
19 the highest marks of jurists in Los Angeles of any of the
20 attorneys I have interviewed about her. I think it would be a
21 very interesting and well-deserved choice to assign this case
22 to the Central District.

23 My time is up, unless the Court has --

24 JUDGE HUELLE: Does she have any of these cases?

25 MS. ANDREWS: Yes, she does, Your Honor. She has the

1 *Heffernan* case.

2 JUDGE VANCE: Thank you.

3 MS. ANDREWS: Thank you.

4 JUDGE VANCE: Mr. Murray.

5 MR. MURRAY: Your Honors, Art Murray, on behalf of
6 the plaintiff Roy Templet. We have asked for the Eastern
7 District of Louisiana.

8 JUDGE VANCE: You are not "Templet"?

9 MR. MURRAY: It's "Templet," actually.

10 JUDGE VANCE: When I grew up --

11 MR. MURRAY: He is from Chicago.

12 JUDGE VANCE: Oh, he is from Chicago.

13 MR. MURRAY: So we don't do it that way.

14 Your Honors, I ask for the Eastern District.
15 I'm rooting for the home team, so to speak. The last time I
16 argued to you guys, I asked for the Eastern District in the
17 *Home Depot* matter, and we ended up talking about restaurants
18 and food. Those are all good reasons, but there are also other
19 good reasons to be here.

20 There are plaintiffs in this case, I suspect
21 they will be all over the country. I suspect they will be in
22 the thousands. It's going to be a complex case. You need a
23 central location. You need good judges. We have that here.

24 Minnesota makes some sense, although I will say
25 it's very cold. It's very cold.

1 JUDGE VANCE: We will take judicial notice of that.

2 MR. MURRAY: It makes some sense --

3 JUDGE BREYER: It's not so warm outside here today.

4 MR. MURRAY: We can bring them down here and warm
5 them up. I think we bring them down here and warm them up,
6 Your Honor.

7 In all seriousness, it's a central location
8 here. The airport is 20 minutes away. I'm going to test that
9 theory because I'm late for my flight, so we will see.

10 JUDGE VANCE: Don't let us keep you.

11 MR. MURRAY: I'll go. I'll go. Your Honors, happy
12 to be here. Happy to miss my flight.

13 So in all seriousness, we've had great judges.
14 I drew Judge Zainey, who does not have an MDL right now, maybe
15 because he doesn't want one. I have Judge Zainey. There are
16 other good judges here. This is a great host city. I think
17 it's a good place to send the case if you send it somewhere for
18 centralization.

19 JUDGE VANCE: Thank you. Have a good trip.

20 MR. MURRAY: I'll be here tonight.

21 JUDGE VANCE: Mr. Drinkwater for 3M.

22 Why did you change positions on where to
23 centralize this?

24 MR. DRINKWATER: We changed positions, Your Honor,
25 because we concluded, with the additional filings that seem to

1 be coming in a flurry, that this would be the best way to
2 demonstrate, for example, that there's no way in the world the
3 plaintiffs can prove, for example, causation in these cases.
4 We thought it would be better to try to centralize the cases
5 and demonstrate before one judge that there are fundamental
6 problems of proof in these cases that simply can't be --

7 JUDGE BREYER: Well, that may be true --

8 JUDGE VANCE: Why do you want to go --

9 JUDGE BREYER: Go ahead.

10 MR. DRINKWATER: That's why we did it.

11 JUDGE VANCE: Why do you want to go forward with two
12 of them, then, if you think they need to be done together?

13 MR. DRINKWATER: I'll be happy to answer that. If
14 you look at the 64 cases that we have heard about, 62 of them
15 were filed beginning on July 20 of this year. *Johnson* and
16 *Walton* are, in my words, outliers. They were filed back in
17 2013 and 2014.

18 JUDGE PERRY: What happened in July to prompt all the
19 64 to be filed?

20 MR. DRINKWATER: Others will have to answer that.
21 Beginning on July 20 up to the present time, we have had 62
22 cases filed. Before that we had two. We have been making this
23 product for 28 years. So something is going on that doesn't
24 relate to a change in the product. It doesn't relate to any --

25 JUDGE BREYER: I sort of understand that argument,

1 but you have to tell me why the two cases that are out there
2 now, the *Johnson* and the *Walton* case, are so different from
3 what is going to be probed, in terms of the cases that were
4 subsequently filed, that it makes sense for those two cases to
5 go ahead, such as, "Well, you know, all the discovery has been
6 completed and, therefore, it would simply slow down the process
7 if we took those two cases and made them a part of a
8 centralization." Is that the case?

9 **MR. DRINKWATER:** The cases, Your Honor, are set for
10 trial. The fact --

11 **JUDGE BREYER:** Be that as it may, you heard what he
12 said. What he said was, "We don't have the discovery. We are
13 not ready to go the trial. The dates are going to slide."

14 So I don't know if that's correct or not, but
15 what I need to know from you is those two cases are so
16 different -- not the causation issue, because that's different
17 as to all the cases. But the discovery that needs to be done
18 with respect to those two cases is so unique and so different
19 from the discovery that would have to be done in the 30, 40, 50
20 other cases that we ought to keep them separate, is that what
21 you are saying?

22 **MR. DRINKWATER:** No, Your Honor, we are not saying
23 that. We are saying that the discovery is substantially the
24 same discovery. It has substantially been done.

25 **JUDGE HUVELLE:** I thought there was no expert

1 discovery done.

2 **MR. DRINKWATER:** There has not been expert
3 depositions. The expert depositions have not been taken.

4 **JUDGE PROCTOR:** Have they exchanged expert reports?

5 **MR. DRINKWATER:** Yes. Now, in the *Johnson* case, as I
6 understand it -- because I'm not in the *Johnson* case -- the
7 plaintiffs have designated the experts. 3M has not. We will
8 designate on December 15.

9 But to back up for a moment, the Southern
10 District of Texas case, the *Walton* case, is set for a docket
11 call in early March. We understand the culture of that court
12 to be it will be set for trial in March of 2016. If it slips,
13 which I have no way of thinking that it will, it won't slip but
14 a month or two.

15 **JUDGE HUVELLE:** Are you the counsel in that case?

16 **MR. DRINKWATER:** I am not. I have entered an
17 appearance, but I am not going to be the lawyer who tries it.

18 **JUDGE VANCE:** Has there been an sanction order in
19 that case?

20 **MR. DRINKWATER:** There has not been a sanction order.
21 I will say that we are under an order not to discuss an order
22 that has been entered. All of us are under that order and so
23 we can't discuss it. We anticipate --

24 **JUDGE PROCTOR:** Without discussing it --

25 **MR. DRINKWATER:** It's not an order. I'm sorry.

1 JUDGE PROCTOR: Without discussing it, does that
2 order affect anything about when a trial could be set?

3 MR. DRINKWATER: It might in the short term, in the
4 sense that it could back up the *Walton* case a month or two.
5 But other than that, we do not --

6 JUDGE PERRY: Let me ask you a different question.
7 The plaintiffs say in some of the briefing that you all have
8 refused to coordinate things in those cases. We have heard
9 about separate protective-type orders, making them take
10 depositions multiple times. Is that what your client is doing?
11 And why?

12 MR. DRINKWATER: We do not believe we are not
13 cooperating. Your Honor, take a look at their Document 23,
14 which is where they make these charges. I am advised and
15 believe that in the *Walton* case no motion to compel with
16 respect to any of the issues that they complain about has been
17 filed in *Walton*. No motion to compel has been filed.

18 I understand that all the fact discovery in that
19 case has been complete, documents produced --

20 JUDGE BREYER: Okay. So let me ask this question.
21 You say, "Those cases are ready. Those cases are ready."
22 Okay.

23 Now, let's say we centralized it. Let's say we
24 sent everything to Minneapolis. Then you make your same
25 argument. "Those cases are ready, Judge. They're all ready to

1 go." Can't that judge then simply send them back? It's a
2 little extra paperwork. I understand that. If your argument
3 is correct, what do you lose?

4 **MR. DRINKWATER:** Well, we will certainly lose the
5 trial date in *Walton*.

6 **JUDGE BREYER:** Well, it seems you don't really have
7 those trial dates. So putting that aside for the moment,
8 unless there's some great urgency, like 30 days, 60 days,
9 90 days out, if we centralize it, you can make this argument
10 the day after it's centralized. If you are right, the judge
11 then the day after that can send them back. So what's the
12 problem?

13 **MR. DRINKWATER:** The problem, Your Honor, is that
14 could be done, but my experience in dealing with district
15 judges or with state court trial judges, for the matter of
16 that, is once it goes, we are going to lose the trial date.
17 Some other case --

18 **JUDGE VANCE:** Why don't you just try those cases and
19 not centralize them. See if you win. If you win, they may go
20 away. If you don't win, then you're looking at a lot of cases
21 that you need to deal with.

22 **MR. DRINKWATER:** We would like to try those cases.
23 We do expect to win them. We do think that that will help the
24 MDL judge, if there is an MDL, learn about the cases. We also
25 do think, if we try them and win them, that it will deter other

1 filings.

2 JUDGE HUVELLE: Well, the first counsel said that
3 causation was a major issue. If you haven't had a *Daubert*
4 hearing -- and I can't believe your client will say, "Oh, we
5 don't care about a *Daubert* hearing," or that you will agree
6 that the experts can testify. It seems to me, with that in
7 mind, you really have a major hurdle to getting to trial, and
8 you have an issue that's common to all cases. I don't see why
9 we should have several judges -- it would be three under your
10 theory -- deciding causation.

11 MR. DRINKWATER: Well, Your Honor, in the *Walton*
12 case, in the *Johnson* case, an advantage will be that we will
13 get, if we go forward, results on the merits in those cases in
14 2016. In *Walton*, if things go according to the present
15 schedule, we will get a result on the merits sometime in the
16 first or second quarter of 2016. That will certainly not
17 happen if they are taken off the trial docket, put over into an
18 MDL for pretrial proceedings when most, if not all, of the fact
19 discovery has already occurred in those cases.

20 JUDGE VANCE: Why can't you give that fact discovery
21 to the other plaintiffs?

22 MR. DRINKWATER: Your Honor, I'm sure that if this
23 Court told us to do it, we would do it.

24 JUDGE VANCE: We don't issue discovery orders.

25 MR. DRINKWATER: I understand, Your Honor. I'm sure

1 the MDL judge could do that in the other cases.

2 But we have two cases right now, we believe,
3 mostly ready for trial, that will be tried if they are allowed
4 to go forward. The other cases, we're in favor of
5 centralization, that's fine.

6 JUDGE VANCE: We understand your position. Thank
7 you.

8 MR. DRINKWATER: Thank you, Your Honor.

9 MR. GORDON: Your Honor, I asked for 30 seconds'
10 rebuttal. May I please? I need to correct one thing. I will
11 be very brief. The notion --

12 JUDGE VANCE: When did you ask for rebuttal? Did you
13 ask for rebuttal?

14 MR. GORDON: I asked for it. I didn't get it. I'm
15 asking for it now again.

16 Very quickly, Your Honor. One thing
17 Mr. Atkinson [verbatim] said is dead wrong. I will not talk
18 about the substance of it, but the notion that there is not an
19 order entered --

20 JUDGE VANCE: We can't talk about what we can't look
21 at and we can't know the substance of. We are just talking
22 about metaphysical things.

23 MR. GORDON: I just want to correct a misstatement,
24 Your Honor. There is an opinion entered that bears on this
25 very question of whether those cases should be centralized with

1 the others. There is an opinion there. That's all I'm going
2 to --

3 JUDGE VANCE: But you can't tell us what it is --

4 MR. GORDON: Yes, Your Honor.

5 JUDGE VANCE: -- so that's very helpful. Thank you.

6 MR. GORDON: Thank you, Your Honor.

7 * * *

8
9 CERTIFICATE

10 I, Toni Doyle Tusa, CCR, FCRR, Official Court
11 Reporter for the United States District Court, Eastern District
12 of Louisiana, certify that the foregoing is a true and correct
13 transcript, to the best of my ability and understanding, from
14 the record of proceedings in the above-entitled matter.

15
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17 s/ Toni Doyle Tusa
18 Toni Doyle Tusa, CCR, FCRR
19 Official Court Reporter
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1	ago [1] 6/21 ahead [4] 5/19 5/23 17/9 18/5 aided [1] 2/6 air [4] 1/4 4/4 5/15 6/23 aired [1] 6/14 airport [2] 13/6 16/8 Alabama [1] 1/21 all [20] 5/1 6/11 7/9 10/20 11/19 14/17 15/18 15/21 16/7 16/13 17/18 18/5 18/17 19/22 20/7 20/18 20/25 22/8 22/18 24/1 allow [1] 14/14 allowed [2] 10/15 23/3 alluded [1] 9/23 almost [1] 8/10 already [1] 22/19 also [4] 12/3 13/9 15/18 21/24 alternatively [2] 12/9 13/9 although [1] 15/24 always [1] 14/10 am [4] 14/14 19/16 19/17 20/14 Andrews [1] 13/13 Angeles [1] 14/19 answer [2] 17/13 17/20 anticipate [2] 11/17 19/23 any [8] 7/20 7/25 12/20 12/22 14/19 14/24 17/24 20/16 anything [2] 9/19 20/2 anyway [1] 11/18 appearance [1] 19/17 are [62] argued [1] 15/16 argument [6] 1/7 4/10 17/25 20/25 21/2 21/9 around [4] 4/12 5/3 5/16 9/19 Art [1] 15/5 articles [1] 6/20 as [8] 6/23 9/22 11/10 13/9 18/5 18/11 18/17 19/5 aside [2] 12/4 21/7 ask [6] 10/17 15/14 20/6 20/20 23/12 23/13 asked [6] 7/11 13/17 15/6 15/16 23/9 23/14 asking [1] 23/15 assign [1] 14/21 assigned [1] 14/12 at [9] 5/14 6/9 7/24 10/5 12/15 17/14 20/13 21/20 23/21 Atkinson [3] 6/10 7/8 23/17 attorneys [1] 14/20 attribute [1] 4/16 aware [1] 9/19 away [2] 16/8 21/20	20/15 22/4 23/2 Bar [1] 1/8 best [3] 11/7 17/1 24/13 better [1] 17/4 between [2] 11/14 12/5 Beverly [1] 14/16 big [1] 6/3 blanket [2] 5/4 7/10 blankets [1] 4/23 blow [1] 7/1 blower [1] 7/2 blowing [1] 5/16 Bone [1] 6/21 both [3] 9/11 10/18 11/16 brainer [1] 7/7 brand [1] 8/19 brand-new [1] 8/19 Breyer [1] 1/14 Breyer's [1] 7/7 brief [2] 6/8 23/11 briefing [1] 20/7 briefly [1] 7/5 bring [2] 16/4 16/5 bunch [2] 5/22 11/17 but [20] 5/13 6/2 9/8 11/25 12/3 12/16 12/25 14/14 15/18 18/1 18/14 18/17 19/9 19/13 19/17 20/5 21/14 23/2 23/18 24/3
2	20 [4] 4/14 16/8 17/15 17/21 2013 [1] 17/17 2014 [1] 17/17 2015 [2] 1/8 4/2 2016 [4] 9/7 19/12 22/14 22/16 23 [1] 20/13 2666 [2] 1/4 4/3 275 [1] 2/1 28 [1] 17/23	
3	3.8 [1] 6/22 30 [3] 7/12 11/3 18/19 30 days [1] 21/8 30 seconds' [1] 23/9 3M [6] 8/9 10/4 11/4 11/13 16/21 19/7	
4	40 [1] 18/19 43 [1] 4/14	
5	50 [1] 18/19 500 [1] 2/1 504 [1] 2/2 589-7778 [1] 2/2	
6	60 [1] 21/8 62 [2] 17/14 17/21 64 [3] 4/13 17/14 17/19	
7	70130 [1] 2/2 7778 [1] 2/2	
9	90 days [1] 21/9	
A	ability [1] 24/13 about [20] 6/10 6/21 7/25 8/13 12/16 12/23 13/6 14/10 14/11 14/20 15/17 17/14 20/2 20/9 20/16 21/24 22/5 23/18 23/20 23/22 above [1] 24/14 above-entitled [1] 24/14 absolutely [1] 14/1 access [2] 10/15 13/5 according [1] 22/14 achieve [1] 6/24 acknowledge [1] 11/4 activities [2] 9/22 11/16 actually [2] 5/19 15/9 additional [1] 16/25 address [1] 6/5 advantage [1] 22/12 advised [1] 20/14 advocate [1] 14/13 advocated [3] 12/2 12/3 13/19 affect [1] 20/2 after [2] 21/10 21/11 again [3] 10/8 10/20 23/15 agents [1] 5/8	C California [2] 1/15 13/16 call [1] 19/11 can [13] 5/1 5/4 6/5 6/9 11/7 13/22 13/23 14/12 16/4 17/3 21/9 21/11 22/6 can't [10] 6/8 17/6 19/23 21/1 22/4 22/20 23/20 23/20 23/21 24/3 cancel [1] 9/15 canceled [2] 9/16 9/19 care [2] 7/1 22/5 carefully [2] 9/23 10/9 case [44] case-specific [1] 5/5 cases [55] Catherine [1] 1/23 causation [6] 5/3 5/6 17/3 18/16 22/3 22/10 cause [1] 5/1 CCR [3] 2/1 24/10 24/17 central [4] 13/16 14/22 15/23 16/7 centralization [4] 11/25 16/18 18/8 23/5 centralize [4] 16/23 17/4 21/9 21/19 centralized [5] 12/8 12/25 20/23 21/10 23/25 certainly [2] 21/4 22/16 CERTIFICATE [1] 24/9 certify [1] 24/12 Chair [1] 1/11 change [2] 16/22 17/24 changed [1] 16/24 charges [1] 20/14 Charles [1] 1/14 Chicago [2] 15/11 15/12 choice [2] 12/2 14/21 choose [1] 10/8 city [1] 16/16 clear [1] 8/9 client [2] 20/10 22/4 co [1] 11/10 co-counsel [1] 11/10 cold [2] 15/25 15/25 colleague [2] 6/3 9/23 colleagues [1] 14/6 Columbia [1] 1/18

<p>C</p> <p>coming [2] 11/1 17/1 comment [1] 7/14 common [2] 5/9 22/8 compel [2] 20/15 20/17 complain [1] 20/16 complaint [1] 12/21 complete [1] 20/19 completed [1] 18/6 complex [2] 14/18 15/22 computer [1] 2/6 computer-aided [1] 2/6 concluded [2] 13/4 16/25 confer [1] 10/14 conference [1] 9/5 confidentiality [1] 10/21 connected [1] 13/7 consent [2] 12/11 12/13 convenient [1] 13/5 cooperating [1] 20/13 coordinate [1] 20/8 coordinating [1] 12/24 core [1] 14/7 correct [6] 6/2 18/14 21/3 23/10 23/23 24/12 could [5] 7/5 20/2 20/4 21/14 23/1 couldn't [1] 5/23 counsel [5] 6/4 11/8 11/10 19/15 22/2 country [3] 4/12 6/12 15/21 couple [2] 4/19 8/2 course [1] 14/17 court [18] 1/11 1/14 1/17 1/20 1/23 2/1 6/9 10/12 13/15 14/11 14/14 14/23 19/11 21/15 22/23 24/10 24/11 24/18 courthouse [2] 13/6 13/8 culture [1] 19/11</p>	<p>different [7] 4/14 11/14 18/2 18/16 18/16 18/16 20/6 disadvantage [1] 10/5 disagree [1] 7/11 disclosed [1] 6/22 discovery [18] 5/25 6/6 6/13 8/2 11/3 11/12 11/13 18/5 18/12 18/17 18/19 18/23 18/24 19/1 20/18 22/19 22/20 22/24 discuss [2] 19/21 19/23 discussing [2] 19/24 20/1 discussions [2] 12/20 12/23 distinct [1] 10/5 district [25] districts [2] 4/13 4/14 Division [2] 12/1 13/2 do [15] 4/16 12/9 13/9 15/13 17/8 17/11 20/5 20/12 21/3 21/23 21/23 21/25 22/23 22/23 23/1 docket [3] 6/9 19/10 22/17 Document [1] 20/13 documents [3] 10/23 10/24 20/19 does [4] 14/24 14/25 16/14 20/1 doesn't [4] 5/24 16/15 17/23 17/24 doing [2] 8/12 20/10 don't [16] 7/1 7/23 9/24 10/23 12/11 12/13 15/13 16/10 18/12 18/14 21/6 21/18 21/20 22/5 22/8 22/24 done [6] 17/12 18/17 18/19 18/24 19/1 21/14 doubt [1] 14/5 down [3] 16/4 16/5 18/6 Doyle [4] 2/1 24/10 24/17 24/17 drew [1] 16/14 Drinkwater [1] 16/21 duplicate [2] 11/12 11/13</p>	<p>extreme [1] 10/3 fact [6] 7/7 7/18 18/10 20/18 22/18 22/20 failure [1] 5/13 far [1] 6/6 favor [1] 23/4 FCRR [3] 2/1 24/10 24/17 FDA [1] 6/17 federal [1] 4/13 feelings [1] 14/6 field [3] 5/16 5/17 7/2 filed [15] 4/11 4/12 4/13 6/12 8/8 8/12 10/2 12/21 17/15 17/16 17/19 17/22 18/4 20/17 20/17 filing [1] 10/1 filings [3] 4/17 16/25 22/1 find [1] 9/7 finding [1] 10/14 fine [2] 7/10 23/5 first [6] 4/6 8/8 8/12 14/16 22/2 22/16 flight [2] 16/9 16/12 flurry [1] 17/1 food [1] 15/18 forced [4] 1/4 4/4 5/15 6/23 foregoing [1] 24/12 formal [1] 12/22 forward [5] 10/4 10/6 17/11 22/13 23/4 found [1] 9/6 fraction [1] 10/24 Frank [5] 7/11 7/13 11/23 12/9 13/10 frankly [2] 6/19 10/3 front [1] 6/14 fully [1] 6/8 fundamental [1] 17/5 further [1] 6/5 future [1] 12/24</p>
<p>D</p> <p>dangerous [1] 7/25 date [4] 8/14 8/17 21/5 21/16 dates [6] 9/4 9/10 9/11 9/14 18/13 21/7 Daubert [2] 22/3 22/5 David [3] 1/20 6/3 8/7 day [2] 21/10 21/11 days [3] 21/8 21/8 21/9 dead [1] 23/17 deadlines [1] 11/5 deal [1] 21/21 dealing [1] 21/14 DECEMBER [3] 1/8 4/2 19/8 December 15 [1] 19/8 deciding [1] 22/10 defendant [1] 7/24 defendant's [1] 9/17 definitely [1] 12/16 demonstrate [2] 17/2 17/5 deposed [1] 11/15 depositions [8] 9/15 9/16 9/18 11/3 11/17 19/3 19/3 20/10 Depot [1] 15/17 deserved [1] 14/21 designate [1] 19/8 designated [2] 10/25 19/7 designating [1] 11/2 designations [1] 11/1 details [1] 10/14 deter [1] 21/25 device [3] 7/3 7/16 7/20 devices [3] 1/5 4/4 5/13 did [7] 9/15 9/17 9/17 16/22 17/10 23/12 23/12 didn't [4] 8/21 9/15 9/20 23/14</p>	<p>E</p> <p>earlier [1] 7/14 early [1] 19/11 Eastern [8] 1/12 1/24 12/1 13/2 15/6 15/14 15/16 24/11 easy [1] 13/5 ECF [2] 6/9 10/1 efficiency [1] 14/4 Ellen [1] 1/17 encourage [1] 10/13 encouraged [1] 14/12 encouraging [1] 14/14 ended [1] 15/17 entered [5] 8/19 19/16 19/22 23/19 23/24 entitled [1] 24/14 epicenter [1] 14/5 especially [1] 8/1 essentially [1] 13/7 even [2] 11/15 14/6 event [2] 6/16 6/18 every [1] 6/11 everything [2] 5/20 20/24 evidence [1] 4/20 example [2] 17/2 17/3 excellent [2] 12/2 12/7 exceptions [1] 8/2 exchanged [1] 19/4 expanding [1] 14/11 expect [1] 21/23 experience [3] 7/17 13/3 21/14 experienced [1] 14/15 expert [7] 5/24 11/1 11/2 18/25 19/2 19/3 19/4 experts [4] 10/25 11/2 19/7 22/6 extra [1] 21/2</p>	<p>G</p> <p>Gadolinium [1] 13/4 generally [1] 10/17 Genevieve [1] 4/10 get [7] 5/3 9/20 12/24 14/12 22/13 22/15 23/14 gets [1] 14/18 getting [2] 5/16 22/7 give [1] 22/20 go [17] 5/23 10/4 10/6 13/18 14/3 16/11 16/11 17/8 17/9 17/11 18/5 18/13 21/1 21/19 22/13 22/14 23/4 goes [3] 13/20 13/22 21/16 going [22] 4/19 5/6 6/13 7/20 7/21 9/6 9/12 9/24 10/19 11/5 11/16 11/18 13/17 14/3 15/22 16/8 17/23 18/3 18/13 19/17 21/16 24/1 good [10] 4/7 8/7 13/14 13/17 15/18 15/19 15/23 16/16 16/17 16/19 Gordon [5] 4/6 4/8 12/23 13/10 14/6 got [1] 9/19 gotten [1] 5/24 great [3] 16/13 16/16 21/8 grew [1] 15/10 group [1] 14/7 guys [1] 15/16 Gwin [1] 12/2</p> <p>H</p> <p>had [9] 7/16 11/13 12/20 12/23 14/17 16/13 17/21 17/22 22/3 handle [1] 6/1 handled [2] 5/11 5/25 happen [4] 9/17 9/17 13/25 22/17</p>

<p>H</p> <p>happened [2] 9/4 17/18</p> <p>happens [1] 9/8</p> <p>happy [3] 16/11 16/12 17/13</p> <p>has [24] 4/18 4/20 7/16 8/13 8/14 8/17 11/13 12/3 13/2 13/3 14/16 14/23 14/25 18/5 18/24 19/2 19/7 19/18 19/20 19/22 20/16 20/17 20/19 22/19</p> <p>have [64]</p> <p>haven't [3] 12/15 12/20 22/3</p> <p>HB [1] 2/1</p> <p>HB-275 [1] 2/1</p> <p>he [12] 7/14 7/15 7/16 7/18 7/20 12/3 13/4 15/11 15/12 16/15 18/11 18/12</p> <p>head [1] 5/3</p> <p>hear [1] 8/22</p> <p>heard [4] 1/8 17/14 18/11 20/8</p> <p>hearing [2] 22/4 22/5</p> <p>Heffernan [1] 15/1</p> <p>help [1] 21/23</p> <p>helpful [1] 24/5</p> <p>her [3] 14/16 14/17 14/20</p> <p>here [11] 7/7 14/9 15/19 15/23 16/3 16/4 16/5 16/8 16/12 16/16 16/20</p> <p>herself [1] 8/18</p> <p>highest [1] 14/19</p> <p>him [1] 7/12</p> <p>hip [1] 5/10</p> <p>Hodges [3] 6/3 8/6 8/7</p> <p>home [2] 15/15 15/17</p> <p>Home Depot [1] 15/17</p> <p>Honor [29]</p> <p>Honorable [1] 13/15</p> <p>Honors [6] 4/7 7/5 13/14 15/5 15/14 16/11</p> <p>hospital [1] 5/8</p> <p>hospital-based [1] 5/8</p> <p>host [1] 16/16</p> <p>hotels [1] 13/7</p> <p>Houston [2] 6/4 9/25</p> <p>however [2] 5/25 14/9</p> <p>Hoyt [1] 10/15</p> <p>Hoyt's [1] 9/24</p> <p>HUGGER [3] 1/4 4/4 4/22</p> <p>hurdle [1] 22/7</p> <p>Huvelle [1] 1/17</p>	<p>inventor [1] 7/9</p> <p>investigation [1] 4/21</p> <p>irregularities [2] 10/3 10/7</p> <p>is [72]</p> <p>Isn't [1] 13/25</p> <p>issue [4] 18/16 22/3 22/8 22/24</p> <p>issues [7] 5/3 6/7 6/13 7/19 7/22 14/18 20/16</p> <p>it [59]</p> <p>it's [16] 6/7 6/7 7/6 10/4 13/5 14/3 15/9 15/22 15/25 15/25 16/3 16/7 16/17 19/25 21/1 21/10</p> <p>J</p> <p>Johnson [9] 6/4 8/14 8/16 9/12 17/15 18/2 19/5 19/6 22/12</p> <p>Joint [1] 6/21</p> <p>Journal [1] 6/21</p> <p>judge [31]</p> <p>Judge Breyer's [1] 7/7</p> <p>Judge Hoyt [1] 10/15</p> <p>Judge Lungstrum [1] 8/25</p> <p>Judge Polster [2] 12/7 13/3</p> <p>Judge Vratil [1] 8/14</p> <p>judges [7] 14/11 15/23 16/13 16/16 21/15 21/15 22/9</p> <p>judicial [2] 1/1 16/1</p> <p>July [3] 17/15 17/18 17/21</p> <p>July 20 [2] 17/15 17/21</p> <p>jurist [1] 12/7</p> <p>jurists [2] 7/10 14/19</p> <p>just [6] 7/12 8/20 13/4 21/18 23/21 23/23</p> <p>K</p> <p>Kansas [2] 6/5 11/9</p> <p>keep [2] 16/10 18/20</p> <p>Kent [1] 11/24</p> <p>kind [1] 7/6</p> <p>kinds [1] 5/1</p> <p>knee [1] 5/10</p> <p>know [5] 13/16 18/5 18/14 18/15 23/21</p> <p>L</p> <p>last [4] 4/10 4/19 8/20 15/15</p> <p>late [1] 16/9</p> <p>lawyer [3] 7/8 10/18 19/17</p> <p>lawyers [3] 4/22 4/23 12/18</p> <p>lead [1] 6/4</p> <p>learn [1] 21/24</p> <p>leg [1] 7/20</p> <p>let [4] 5/25 16/10 20/6 20/20</p> <p>let's [2] 20/23 20/23</p> <p>Levin [1] 4/8</p> <p>LIABILITY [2] 1/5 4/4</p> <p>like [7] 4/10 4/25 5/7 5/24 8/10 21/8 21/22</p> <p>limitation [1] 7/22</p> <p>limitations [1] 8/3</p> <p>listen [1] 14/10</p> <p>literature [1] 5/14</p> <p>litigation [5] 1/2 1/5 4/5 4/18 12/8</p> <p>little [1] 21/2</p> <p>location [4] 12/8 13/5 15/23 16/7</p> <p>longer [1] 8/23</p> <p>look [4] 6/9 17/14 20/13 23/20</p> <p>looking [2] 10/1 21/20</p> <p>Los [1] 14/19</p> <p>Los Angeles [1] 14/19</p> <p>lose [3] 21/3 21/4 21/16</p> <p>lot [3] 5/2 11/4 21/20</p> <p>LOUISIANA [5] 1/8 1/12 2/2 15/7 24/12</p> <p>Lungstrum [3] 8/25 9/1 9/2</p>	<p>M</p> <p>made [1] 18/7</p> <p>maestro [2] 7/15 7/15</p> <p>major [2] 22/3 22/7</p> <p>make [6] 4/9 5/2 8/9 20/14 20/24 21/9</p> <p>makes [5] 8/10 14/4 15/24 16/2 18/4</p> <p>making [2] 17/22 20/9</p> <p>many [3] 5/11 6/24 14/18</p> <p>March [2] 19/11 19/12</p> <p>marks [2] 14/17 14/19</p> <p>materials [1] 12/20</p> <p>matter [4] 11/5 15/17 21/15 24/14</p> <p>matters [1] 14/4</p> <p>mature [1] 6/6</p> <p>may [8] 4/7 6/10 10/17 13/14 17/7 18/11 21/19 23/10</p> <p>maybe [1] 16/14</p> <p>McGovern [1] 6/20</p> <p>MDL [11] 1/4 4/3 6/15 7/17 11/6 14/16 16/14 21/24 21/24 22/18 23/1</p> <p>MDLs [4] 7/17 13/3 13/3 14/11</p> <p>me [6] 5/4 13/21 18/1 20/6 20/20 22/6</p> <p>mechanical [1] 2/5</p> <p>medical [2] 6/20 7/16</p> <p>meet [1] 9/13</p> <p>Members [1] 1/14</p> <p>mention [2] 4/10 13/5</p> <p>mentioned [1] 13/9</p> <p>merits [2] 22/13 22/15</p> <p>metallois [1] 5/11</p> <p>metaphysical [1] 23/22</p> <p>Michael [1] 11/24</p> <p>microbes [1] 5/7</p> <p>might [1] 20/3</p> <p>mind [1] 22/7</p> <p>Minneapolis [2] 14/8 20/24</p> <p>Minnesota [12] 4/15 5/23 5/25 6/1 7/6 7/9 7/10 10/19 12/5 12/9 12/12 15/24</p> <p>minutes [2] 13/6 16/8</p> <p>miss [1] 16/12</p> <p>Missouri [1] 1/24</p> <p>misstatement [1] 23/23</p> <p>mistake [1] 6/3</p> <p>moment [2] 19/9 21/7</p> <p>Monday [1] 9/6</p> <p>month [2] 19/14 20/4</p> <p>months [1] 4/20</p> <p>more [6] 4/20 4/20 4/20 4/21 4/21 4/21</p> <p>morning [3] 4/7 8/7 13/14</p> <p>most [2] 8/1 22/18</p> <p>mostly [1] 23/3</p> <p>motion [3] 10/2 20/15 20/17</p> <p>move [1] 10/19</p> <p>moved [1] 9/19</p> <p>Mr [1] 4/6</p> <p>Mr. [10] 6/10 7/8 8/6 11/22 12/23 13/10 14/6 15/4 16/21 23/17</p> <p>Mr. Atkinson [3] 6/10 7/8 23/17</p> <p>Mr. Drinkwater [1] 16/21</p> <p>Mr. Gordon [3] 12/23 13/10 14/6</p> <p>Mr. Hodges [1] 8/6</p> <p>Mr. Murray [1] 15/4</p> <p>Mr. Piscitelli [1] 11/22</p> <p>Ms [1] 14/7</p> <p>Ms. [2] 12/23 13/13</p> <p>Ms. Andrews [1] 13/13</p> <p>Ms. Zimmerman [1] 12/23</p> <p>much [2] 5/7 13/12</p> <p>MULTIDISTRICT [1] 1/2</p> <p>multiple [1] 20/10</p> <p>Murray [2] 15/4 15/5</p> <p>my [12] 4/9 5/3 6/3 9/22 10/8 14/6 14/23</p>
<p>I</p> <p>I'll [4] 16/11 16/11 16/20 17/13</p> <p>I'm [14] 4/8 5/3 8/7 8/21 9/19 15/15 16/8 16/9 19/6 19/25 22/22 22/25 23/14 24/1</p> <p>if [30]</p> <p>implant [1] 5/10</p> <p>implantable [1] 7/16</p> <p>important [2] 6/7 13/17</p> <p>in [104]</p> <p>In Re [1] 4/3</p> <p>increased [1] 6/22</p> <p>INDEX [1] 3/1</p> <p>indication [1] 4/21</p> <p>individualized [1] 5/2</p> <p>infected [1] 5/13</p> <p>infection [1] 5/1</p> <p>infections [3] 5/8 5/9 6/22</p> <p>infectious [2] 4/22 5/7</p> <p>information [1] 10/16</p> <p>integral [1] 6/11</p> <p>integrated [1] 6/14</p> <p>interested [1] 10/14</p> <p>interesting [1] 14/21</p> <p>interviewed [1] 14/20</p> <p>into [6] 4/22 5/16 6/14 7/2 8/20 22/17</p>		

<p>M</p> <p>my... [5] 16/9 16/12 17/16 21/14 24/13</p>	<p>over [5] 4/19 10/20 14/17 15/21 22/17 over [5] 11/7 19/14 7/13 10/10 11/15</p>	<p>Real [1] 4/9 really [3] 14/2 21/6 22/7</p>
<p>N</p> <p>nature [1] 4/22 need [8] 9/13 11/4 15/22 15/23 17/12 18/15 21/21 23/10 needs [1] 18/17 new [6] 1/8 2/2 7/8 8/19 9/3 14/14 night [1] 4/10 no [19] 1/4 5/5 5/21 6/19 6/25 7/7 8/3 8/23 11/2 11/3 11/5 12/25 14/5 17/2 18/22 18/25 19/13 20/15 20/17 no-brainer [1] 7/7 No. [1] 4/3 No. 2666 [1] 4/3 normothermia [1] 6/24 Northern [5] 1/15 1/21 11/25 12/21 13/2 Nosocomial [1] 5/8 not [33] notable [1] 8/2 notice [1] 16/1 notion [2] 23/11 23/18 now [14] 4/13 8/19 8/25 9/2 10/10 10/18 11/15 13/3 16/14 18/2 19/5 20/23 23/2 23/15 numbers [1] 4/12 nutshell [1] 7/3</p>	<p>P</p> <p>Page [1] 3/2 PANEL [5] 1/1 4/8 4/11 4/12 10/13 Papantonio [1] 4/8 papers [2] 7/8 12/1 paperwork [1] 21/2 Pardon [1] 13/21 part [1] 18/7 particular [3] 5/11 6/13 6/20 parties [1] 11/1 patient [1] 6/25 patients [1] 5/12 people [1] 10/11 Perry [1] 1/23 personnel [1] 9/17 pharma [1] 5/7 Piscitelli [2] 11/22 11/23 place [2] 10/21 16/17 plaintiff [2] 11/24 15/6 plaintiffs [6] 8/8 15/20 17/3 19/7 20/7 22/21 plaintiffs' [4] 10/18 11/8 12/17 14/7 plan [1] 14/9 pleading [1] 4/11 please [3] 4/8 13/15 23/10 point [3] 7/7 7/24 12/15 points [1] 6/5 Polster [2] 12/7 13/3 position [3] 7/24 9/9 23/6 positions [2] 16/22 16/24 Poydras [1] 2/1 prepared [1] 6/10 present [2] 17/21 22/14 pretrial [3] 14/4 14/18 22/18 probed [1] 18/3 problem [5] 7/2 7/25 8/3 21/12 21/13 problems [1] 17/6 proceeding [1] 5/18 proceedings [4] 2/5 4/1 22/18 24/14 process [1] 18/6 Proctor [1] 1/20 Proctor's [1] 7/14 produced [2] 10/25 20/19 product [4] 7/24 8/1 17/23 17/24 PRODUCTS [2] 1/5 4/4 prominent [1] 13/19 prompt [1] 17/18 prone [1] 5/2 proof [1] 17/6 propose [1] 12/7 protective [2] 11/14 20/9 protective-type [1] 20/9 prove [1] 17/3 purposes [1] 13/23 put [1] 22/17 putative [1] 6/12 putting [2] 12/4 21/7</p>	<p>reason [6] 7/6 10/3 12/4 13/1 13/18 14/9 reasons [4] 6/8 13/10 15/18 15/19 rebuttal [3] 23/10 23/12 23/13 recall [1] 6/17 recent [2] 4/16 7/8 recently [3] 7/18 8/18 13/4 record [1] 24/14 recorded [1] 2/5 recused [3] 8/18 8/21 9/1 refused [1] 20/8 Reid [1] 14/16 relate [2] 17/24 17/24 relationship [1] 12/22 relevant [1] 7/17 remain [1] 9/9 Reporter [3] 2/1 24/11 24/18 reports [1] 19/4 represent [1] 8/8 rescheduled [1] 9/20 research [1] 4/21 respect [3] 9/10 18/18 20/16 restaurants [1] 15/17 result [1] 22/15 results [1] 22/13 retaken [1] 11/18 right [11] 4/13 5/9 5/19 7/15 7/15 10/10 11/19 13/3 16/14 21/10 23/2 risk [1] 6/22 room [2] 2/1 4/25 rooting [1] 15/15 Roy [1] 15/6 rules [1] 8/2</p>
<p>O</p> <p>O'Connell [1] 14/16 Obviously [1] 12/8 occurred [1] 22/19 October [1] 9/7 off [1] 22/17 Official [3] 2/1 24/10 24/18 Oh [2] 15/12 22/4 Ohio [4] 12/1 12/5 12/21 13/2 Okay [2] 20/20 20/22 on [24] 1/1 1/8 4/12 4/19 6/5 6/9 6/13 7/11 7/20 8/23 8/25 9/24 10/19 11/16 11/23 15/5 16/22 17/15 17/21 17/23 19/8 22/13 22/15 23/24 once [1] 21/16 one [7] 5/15 6/14 8/9 16/15 17/5 23/10 23/16 only [4] 8/2 11/8 13/2 13/6 operating [1] 4/25 operative [1] 5/17 opinion [2] 23/24 24/1 opportunity [1] 14/15 oppose [1] 11/7 opposed [1] 6/23 option [1] 12/16 or [10] 6/17 8/14 9/17 13/6 18/14 19/14 20/4 21/15 22/5 22/16 ORAL [1] 1/7 order [10] 9/25 10/12 19/18 19/20 19/21 19/21 19/22 19/25 20/2 23/19 orders [4] 10/21 11/15 20/9 22/24 original [1] 12/1 ORLEANS [2] 1/8 2/2 orthopedic [1] 5/13 other [15] 6/23 7/16 7/20 12/6 12/25 13/1 15/18 16/16 18/20 20/5 21/17 21/25 22/21 23/1 23/4 others [4] 5/19 14/7 17/20 24/1 ought [1] 18/20 our [2] 10/1 12/1 out [6] 9/6 9/7 10/14 11/6 18/1 21/9 outliers [1] 17/16 outside [1] 16/3</p>	<p>Q</p> <p>quarter [1] 22/16 question [7] 5/5 6/25 14/2 14/3 20/6 20/20 23/25 quick [1] 4/9 quickly [2] 5/14 23/16 Quite [1] 10/3</p> <p>R</p> <p>RE [2] 1/4 4/3 ready [7] 8/10 18/13 20/21 20/21 20/25 20/25 23/3</p>	<p>S</p> <p>said [5] 8/13 18/12 18/12 22/2 23/17 same [2] 18/24 20/24 sanction [2] 19/18 19/20 sanctioned [2] 10/7 10/12 Sanctioning [1] 10/11 sanctions [1] 10/2 Sarah [1] 1/11 say [11] 6/5 9/23 12/19 12/22 15/24 19/21 20/7 20/21 20/23 20/23 22/4 saying [3] 18/21 18/22 18/23 says [1] 10/12 schedule [2] 9/21 22/15 scheduled [1] 9/16 schedules [1] 5/19 screening [1] 4/24 seal [1] 10/9 sealed [1] 9/24 second [1] 22/16 seconds [1] 7/12 seconds' [1] 23/9 secret [1] 10/11 see [4] 10/1 16/9 21/19 22/8 seem [3] 5/2 5/24 16/25 seems [3] 4/25 21/6 22/6 seen [1] 5/10 Segal [1] 1/17 send [4] 16/17 16/17 21/1 21/11 sense [5] 14/4 15/24 16/2 18/4 20/4 sent [1] 20/24 separate [4] 11/6 12/21 18/20 20/9 series [1] 6/20 seriousness [2] 16/7 16/13 set [8] 8/14 8/17 9/5 9/7 18/9 19/10 19/12 20/2 several [2] 4/20 22/9 shared [1] 12/20</p>

<p>S</p> <p>she [8] 8/17 8/21 8/23 14/16 14/18 14/24 14/25 14/25</p> <p>short [1] 20/3</p> <p>should [4] 10/23 14/8 22/9 23/25</p> <p>simply [3] 17/6 18/6 21/1</p> <p>sir [2] 11/20 13/12</p> <p>sledding [1] 6/8</p> <p>slide [2] 11/5 18/13</p> <p>sliding [1] 9/12</p> <p>slip [1] 19/13</p> <p>slips [1] 19/12</p> <p>slow [1] 18/6</p> <p>small [1] 10/24</p> <p>so [24] 4/13 7/12 7/20 7/23 8/19 8/24 9/21 13/1 15/13 15/15 16/3 16/9 16/13 17/23 18/2 18/14 18/15 18/18 18/18 19/22 20/20 21/7 21/11 24/5</p> <p>software [1] 2/6</p> <p>some [14] 6/7 6/9 6/10 9/18 10/2 11/4 11/12 14/9 14/18 15/24 16/2 20/7 21/8 21/17</p> <p>somebody [1] 10/12</p> <p>something [3] 6/25 14/12 17/23</p> <p>sometime [1] 22/15</p> <p>sometimes [1] 11/15</p> <p>somewhere [1] 16/17</p> <p>sorry [2] 8/21 19/25</p> <p>sort [2] 10/19 17/25</p> <p>Southern [2] 10/15 19/9</p> <p>speak [1] 15/15</p> <p>specific [1] 5/5</p> <p>specifically [1] 7/19</p> <p>standard [1] 7/1</p> <p>start [1] 10/20</p> <p>state [1] 21/15</p> <p>stated [1] 13/10</p> <p>states [8] 1/1 1/11 1/14 1/17 1/20 1/23 8/1 24/11</p> <p>status [1] 9/5</p> <p>statute [2] 7/21 8/3</p> <p>stenography [1] 2/5</p> <p>sterile [1] 5/16</p> <p>still [4] 8/12 10/25 11/1 11/2</p> <p>stop [1] 10/19</p> <p>Street [1] 2/1</p> <p>strongly [2] 5/14 11/6</p> <p>Stryker [1] 7/18</p> <p>study [1] 6/20</p> <p>subsequently [1] 18/4</p> <p>substance [2] 23/18 23/21</p> <p>substantially [2] 18/23 18/24</p> <p>successfully [1] 13/4</p> <p>succinct [1] 4/9</p> <p>succinctly [1] 6/6</p> <p>such [1] 18/5</p> <p>suffered [1] 5/12</p> <p>suggests [1] 5/15</p> <p>support [6] 7/6 7/8 7/12 11/25 12/9 13/10</p> <p>suppose [1] 7/11</p> <p>sure [2] 22/22 22/25</p> <p>surge [2] 4/17 5/10</p> <p>surgery [2] 5/14 6/21</p> <p>surgical [1] 7/2</p> <p>suspect [2] 15/20 15/21</p> <p>systems [1] 6/23</p>	<p>taking [1] 4/23</p> <p>talk [15] 6/10 23/17/23/20</p> <p>talking [2] 15/17 23/21</p> <p>team [2] 14/11 15/15</p> <p>tell [5] 5/4 6/9 7/12 18/1 24/3</p> <p>Templet [3] 15/6 15/8 15/9</p> <p>term [1] 20/3</p> <p>terms [2] 14/4 18/3</p> <p>test [1] 16/8</p> <p>testify [1] 22/6</p> <p>Texas [3] 10/15 11/9 19/10</p> <p>than [3] 12/6 12/25 20/5</p> <p>Thank [14] 7/4 8/4 8/5 11/19 11/21 13/10 13/12 15/2 15/3 16/19 23/6 23/8 24/5 24/6</p> <p>that [124]</p> <p>that's [12] 7/2 8/16 12/16 13/24 14/1 17/10 18/14 18/16 22/8 23/5 24/1 24/5</p> <p>their [3] 4/23 5/24 20/13</p> <p>them [16] 6/1 16/4 16/5 16/5 17/12 17/14 18/7 18/20 20/9 21/1 21/11 21/19 21/23 21/25 21/25</p> <p>then [6] 5/22 17/12 20/24 21/1 21/11 21/20</p> <p>theory [3] 5/4 16/9 22/10</p> <p>there [30]</p> <p>there's [13] 5/5 9/18 9/22 10/12 10/24 11/2 11/3 11/10 11/14 12/22 14/5 17/2 21/8</p> <p>therefore [1] 18/6</p> <p>these [18] 4/22 5/2 5/7 5/7 5/11 5/12 6/11 7/22 8/3 8/10 10/4 10/18 11/5 11/6 14/24 17/3 17/6 20/14</p> <p>they [21] 5/23 5/24 7/8 7/11 7/25 8/11 9/13 9/21 10/6 10/7 11/6 15/21 15/21 17/12 17/16 19/4 20/14 20/16 21/19 22/17 23/3</p> <p>They're [1] 20/25</p> <p>thing [4] 5/15 8/9 23/10 23/16</p> <p>things [5] 5/1 12/24 20/8 22/14 23/22</p> <p>think [15] 4/23 6/2 7/6 7/23 10/4 11/4 11/7 12/6 14/2 14/20 16/5 16/16 17/12 21/23 21/25</p> <p>thinking [1] 19/13</p> <p>this [36]</p> <p>those [28]</p> <p>thought [4] 9/1 12/15 17/4 18/25</p> <p>thousands [1] 15/22</p> <p>three [4] 6/21 11/16 13/3 22/9</p> <p>through [1] 5/24</p> <p>time [6] 4/23 5/14 11/19 14/23 15/15 17/21</p> <p>times [3] 6/22 11/16 20/10</p> <p>today [2] 6/9 16/3</p> <p>together [2] 6/14 17/12</p> <p>told [1] 22/23</p> <p>Toni [4] 2/1 24/10 24/17 24/17</p> <p>tonight [1] 16/20</p> <p>took [1] 18/7</p> <p>toto [1] 4/19</p> <p>tough [1] 6/7</p> <p>transcript [2] 1/7 24/13</p> <p>transcription [1] 2/6</p> <p>transfer [1] 12/12</p> <p>transferred [2] 11/12 13/23</p> <p>tremendous [1] 14/17</p> <p>trial [25]</p> <p>tried [1] 23/3</p> <p>tries [1] 19/17</p> <p>triggering [2] 6/16 6/17</p> <p>trip [1] 16/19</p> <p>true [4] 13/24 14/1 17/7 24/12</p> <p>try [4] 17/4 21/18 21/22 21/25</p>	<p>trying [1] 5/3</p> <p>Tus [4] 2/1 24/10 24/17 24/17</p> <p>two [19] 5/18 5/23 7/16 8/8 11/9 11/14 11/14 11/15 13/7 17/11 17/22 18/1 18/4 18/7 18/15 18/18 19/14 20/4 23/2</p> <p>type [1] 20/9</p> <p>types [2] 6/23 6/24</p> <p>typical [1] 5/12</p> <p>U</p> <p>ubiquitous [1] 5/8</p> <p>UK [1] 6/22</p> <p>under [4] 10/9 19/21 19/22 22/9</p> <p>understand [7] 17/25 19/6 19/11 20/18 21/2 22/25 23/6</p> <p>understanding [1] 24/13</p> <p>unique [2] 7/17 18/18</p> <p>UNITED [7] 1/1 1/11 1/14 1/17 1/20 1/23 24/11</p> <p>unless [2] 14/23 21/8</p> <p>up [14] 4/6 7/5 7/18 7/20 11/1 11/19 14/23 15/10 15/17 16/5 16/5 17/21 19/9 20/4</p> <p>update [1] 4/11</p> <p>urgency [1] 21/8</p> <p>us [5] 11/13 16/10 19/22 22/23 24/3</p> <p>use [1] 7/19</p> <p>using [1] 2/5</p> <p>Usually [1] 10/11</p> <p>V</p> <p>Vance [1] 1/11</p> <p>verbatim [1] 23/17</p> <p>very [22] 4/9 5/9 5/13 6/5 6/7 8/11 9/23 10/9 10/24 13/12 13/17 13/17 13/19 14/15 14/16 14/21 15/25 15/25 23/11 23/16 23/25 24/5</p> <p>violate [1] 9/24</p> <p>violating [1] 10/20</p> <p>Volkswagen [1] 12/3</p> <p>Vratil [3] 8/13 8/14 8/18</p> <p>W</p> <p>waged [1] 5/6</p> <p>Walton [14] 6/4 6/13 8/11 8/15 9/12 17/16 18/2 19/10 20/4 20/15 20/17 21/5 22/11 22/14</p> <p>want [10] 7/12 8/9 9/24 10/6 10/19 11/6 16/15 17/8 17/11 23/23</p> <p>wants [1] 10/4</p> <p>war [1] 5/6</p> <p>warm [4] 6/25 16/3 16/4 16/5</p> <p>warming [4] 1/4 4/4 5/15 6/23</p> <p>warned [1] 7/25</p> <p>warning [1] 6/17</p> <p>was [11] 6/16 6/17 6/17 6/19 8/11 9/1 9/6 10/2 18/12 18/25 22/3</p> <p>watt [1] 7/1</p> <p>way [4] 15/13 17/1 17/2 19/13</p> <p>ways [2] 6/24 6/24</p> <p>we [93]</p> <p>we're [1] 23/4</p> <p>we've [1] 16/13</p> <p>week [1] 8/20</p> <p>well [14] 4/18 5/21 9/5 9/13 9/22 10/17 11/10 14/21 17/7 18/5 21/4 21/6 22/2 22/11</p> <p>well-deserved [1] 14/21</p> <p>were [6] 11/11 12/24 14/18 17/15 17/16 18/3</p> <p>what [25]</p> <p>what's [4] 9/23 10/19 12/4 21/11</p> <p>whatever [1] 10/20</p>
<p>T</p> <p>take [3] 16/1 20/9 20/13</p> <p>taken [2] 19/3 22/17</p> <p>takes [1] 7/24</p>		

Y

year [1] 17/15
 years [3] 4/19 6/21 17/23
 yes [7] 5/21 8/23 11/4 12/14 14/25 19/5
 24/4
 yet [1] 5/25
 you [72]
 you're [2] 5/9 21/20
 your [44]
 Your Honor [12] 8/5 10/22 11/10 13/1
 16/6 16/24 18/9 18/22 21/13 22/11
 22/22 22/25
 Your Honors [4] 7/5 13/14 15/5 15/14

Z

Zainey [2] 16/14 16/15
 Zimmerman [3] 4/11 12/23 14/7